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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-787

13 **ROCIO RIVERA**
7503 Kraft Avenue
North Hollywood, CA 91605

A C C U S A T I O N

14 Registered Nurse License No. 683662

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about July 17, 2006, the Board issued Registered Nurse License No. 683662 to
23 Rocio Rivera (Respondent). The Registered Nurse License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on December 31, 2013, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license. . . .”

3 8. Section 2764 provides that the expiration of a license shall not deprive the Board of
4 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
5 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
6 expired license at any time within eight (8) years after the expiration.

7 **COST RECOVERY**

8 9. Section 125.3 provides that the Board may request the administrative law judge to
9 direct a licensee found to have committed a violation or violations of the licensing act to pay a
10 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
11 failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a
12 case settles, recovery of investigation and enforcement costs may be included in a stipulated
13 settlement.

14 **CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Dangerous Use of Alcoholic Beverages)**

16 10. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
17 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about
18 November 1, 2010, and September 10, 2007, Respondent used alcoholic beverages to an extent or
19 in a manner dangerous or injurious to herself or others, as follows:

20 **A. Drunk in Public Incident (November 2010)**

21 (1) On or about November 1, 2010, Los Angeles County Sheriff's Department
22 officers responding to a domestic disturbance call found Respondent sitting in a parking area in a
23 puddle of urine, having wet her pants. Respondent was observed to have watery bloodshot eyes,
24 and emitted a strong odor of alcohol. Respondent told officers that after a verbal altercation at her
25 boyfriend's apartment - he told her to leave the apartment. Respondent stated she "was too drunk
26 to go home" and planned to sleep on the asphalt parking lot. Officers concluded she was
27 intoxicated and unable to care for herself, and arrested her for being drunk in public (Penal Code
28 section 647 (f) (public intoxication)).

1 (2) A criminal misdemeanor charge pursuant to Penal Code section 647 (f) (public
2 intoxication) was filed on or about December 27, 2010, in the matter entitled *The People of the*
3 *State of California v. Rocio Rivera* (Super. Ct. Los Angeles County, 2010, No. 0BF016198). On
4 or about January 26, 2011, pursuant to a plea agreement, the Court ordered Respondent to
5 complete 20 AA/NA (Alcoholics Anonymous/Narcotics Anonymous) meetings, and provide
6 proof of employment for possible dismissal. On or about May 26, 2011, Respondent complied
7 with the Court Order and the Court dismissed the matter.

8 **B. Drunk in Public Incident (September 2007)**

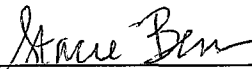
9 (1) On or about September 10, 2007, City of Pasadena Police Department officers
10 detained Respondent for public intoxication pursuant to Penal Code sections 647(f) (public
11 intoxication) and 849 (b)(2) (arrest without warrant) after identifying her as "too intoxicated to
12 care for her own safety." Officers initially encountered Respondent as a passenger in a vehicle
13 parked in a 'no stopping zone' in front of a bar. Officers observed that Respondent "staggered"
14 out of the vehicle, had difficulty maintaining her balance, and was unable to answer simple
15 questions or complete sentences. No criminal prosecution resulted from this incident.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

- 19 1. Revoking or suspending Registered Nurse License No. 683662, issued to Rocio
20 Rivera;
21 2. Ordering Rocio Rivera to pay the Board the reasonable costs of the investigation and
22 enforcement of this case, pursuant to section 125.3; and
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: MARCH 18, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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